

CULTURAL RESOURCE UNEXPECTED DISCOVERY PLAN

ON-SITE DISPOSAL FACILITY PROJECT

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Prepared By:

Fluor Daniel Fernald
Fernald, Ohio
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**Fernald Environmental Management Project
Fernald, Ohio**

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TABLE OF CONTENTS

| <u>Section</u> | <u>Page</u> |
|--|-------------|
| Table of Contents | i |
| Acronym List | ii |
| 1.0 Purpose/Scope | 1 |
| 2.0 Background | 1 |
| 3.0 Procedural Responsibilities | 2 |
| 3.1 Responsibilities | 2 |
| 3.1.1 Responsible Field Representative | 2 |
| 3.1.2 FDF Cultural Resource Coordinator | 3 |
| 3.1.3 FDF Natural Resource Management Department Manager | 3 |
| 3.1.4 DOE-Fernald Cultural Resource Point of Contact | 3 |
| 3.2 NAGPRA | 3 |
| 4.0 Applicable Documents | 4 |
| 4.1 Drivers | 4 |
| 4.2 References | 4 |
| 5.0 Training | 4 |

ACRONYM LIST

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| CFR | Code of Federal Regulations |
| DOE | U.S. Department of Energy |
| FDF | Fluor Daniel Fernald |
| FEMP | Fernald Environmental Management Project |
| NAGPRA | Native American Graves Protection and Repatriation Act |
| NHPA | National Historic Preservation Act |
| NRHP | National Register of Historic Places |
| OHPO | Ohio Historic Preservation Office |
| OSDF | On-Site Disposal Facility |

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1.0 PURPOSE/SCOPE

The United States Department of Energy (DOE) recognizes its stewardship responsibilities for managing cultural resources at the Fernald Environmental Management Project (FEMP) site and on other lands that are impacted by the FEMP site. In recognizing that responsibility, DOE and its contractors are taking a proactive approach to acknowledge the cultural and scientific value of cultural resources at the FEMP site, and identifying, avoiding if possible, and mitigating when necessary, any cultural resources affected by actions at the FEMP site.

This plan provides a method to ensure compliance with the National Historic Preservation Act (NHPA), Native American Graves Protection and Repatriation Act (NAGPRA), and other applicable cultural resource regulations in the event Fluor Daniel Fernald (FDF) personnel, sub-contractor personnel and/or any other persons working or assisting with the conduct of a project (performing any ground disturbing activity) discover a cultural resource/historic property¹.

2.0 BACKGROUND

The FEMP site and surrounding area are located within a 4.8 kilometer- (3 mile-) wide subterranean valley formed as a result of Pleistocene glaciation. The remaining glacial outreach made the valley's soil rich for farming. The FEMP site and surrounding area are also located near the Great Miami River, which provided a source of water for early residents. Historically, these combined factors made the FEMP site and surrounding area desirable as a settlement place. As a result of this desirability, the area is rich with diverse cultural resources.

Cultural resource investigations (Phase I and II) were conducted in the area of the On-Site Disposal Facility (OSDF) and its support operations prior to any ground disturbing activities. During the Phase I investigations, twenty-three (23) archeological sites were identified. Nineteen of the sites (33Ha646 through 33Ha664) were located in Hamilton County; the remaining four sites (33Bu487 through 33Bu490) were located in Butler County. Three of the sites were designated as historic, and 20 were prehistoric. Two of the historic sites (33Ha654 and 33Bu487), and four of the prehistoric sites (33Ha646, 33Ha647, 33Ha650, and 33Ha662) were recommended as potentially eligible for inclusion in the National Register of Historic Places (NRHP). The other 17 were not recommended as eligible.

¹ cultural resource, or historic property means any prehistoric or historic district, site, building, or object included in, or eligible for inclusion in the National Register of Historic Places; term includes things such as artifacts, records, and human remains which are related to such district, site, building, structure, or object. Appropriate subcontractors will be trained to recognize if a cultural resource has been encountered during excavation activities (Section 5.0 of this plan).

A Phase II investigation was conducted on the six sites that were recommended as potentially eligible for the NRHP. The investigation involved shovel testing and test unit excavations. A subsurface feature at each of the two sites (33Ha646 and 33Ha662) was sectioned and proved to be prehistoric hearths. Some additional historic features were also identified at sites 33Bu487 and 33Ha654.

Based on the findings of the Phase II investigation, it was determined that 33Bu487, 33Ha647, and 33Ha648 were not eligible for the NRHP. However, sites 33Ha646, 33Ha654 and 33Ha662 retain the integrity and possess the scientific value capable of yielding data important to either the prehistory or history of the region. These three sites were designated as sites requiring Phase III or data recovery to ensure the safe removal and/or recording of the cultural resources identified. The Phase III activities will be completed prior to any construction activities in the area of these sites designated as potentially eligible for the NRHP.

3.0 PROCEDURAL RESPONSIBILITIES

In the event that a remedial action affects an unidentified cultural resource, project staff will ensure safe handling of any cultural resource by isolating the affected area until an emergency on-call (within 4 hours) contractor can perform data recovery as necessary; a contract is in place for this potential event and has been utilized during installation of the public water supply. The DOE will consult with the appropriate parties (e.g., Ohio Historic Preservation Office) pursuant to 36 Code of Federal Regulations (CFR) Part 800 to determine an appropriate course of action as necessary. DOE will avoid and minimize any adverse impacts to the extent practicable. The following discussion of is an overview of responsibilities if such an event occurs (refer to EP-0003, "Unexpected Discovery of Cultural Resources, Rev. 1").

3.1 RESPONSIBILITIES

3.1.1 Responsible Field Representative

- Stops work upon discovery of a cultural resource (see Section 5.0)
- Notifies FDF Cultural Resource Coordinator upon discovery of a cultural resource
- Completes and signs Unexpected Cultural Resource Discovery Form (with assistance from the FDF Cultural Resource Coordinator)

3.1.2 FDF Cultural Resource Coordinator

- Notifies FDF Natural Resource Department Manager of unexpected cultural resource discovery
- Completes and signs Prehistoric/Historic Assessment Report
- Assists in completion and signs Unexpected Cultural Resource Discovery Form
- Coordinates mitigation

3.1.3 FDF Natural Resource Management Department Manager

- Notifies DOE-FEMP of unexpected cultural resource discovery
- Coordinates mitigation
- Completes documentation (Prehistoric/Historic Assessment Report)

3.1.4 DOE-Fernald Cultural Resource Point of Contact

- Notifies the Ohio Historic Preservation Office (OHPO) of unexpected cultural resource discovery
- Negotiates mitigation
- Notifies FDF of authorization to proceed with work

3.2 NAGPRA

In the event that a human remain or associated funerary object, unassociated funerary object, sacred object, or object of cultural patrimony is discovered during ground disturbing activity (e.g., excavation of a disposal cell), the appropriate Native American tribes would be consulted in order to expedite removal of the remains and/or objects. While this consultation would be taking place, the DOE must cease activity in the immediate area and make a reasonable effort to secure the remains and/or objects. Work stoppage in the immediate area could last up to 30 days.

4.0 APPLICABLE DOCUMENTS

4.1 DRIVERS

- National Historic Preservation Act
- Native American Graves and Repatriation Act
- Archeological Resources Protection Act of 1979
- American Indian Religious Freedom Act
- 36 CFR Part 800
- 43 CFR Part 10

4.2 REFERENCES

- Unexpected Discovery of Cultural Resources, EP-0003, Rev. 1
- NAGPRA (25 U.S.C. Section 3000)

5.0 TRAINING

Subcontractors will be trained (e.g., how to recognize a cultural resource), as needed, to this plan. Additionally, this plan will be included in any pertinent procurement packages in order for the subcontractor to accurately estimate potential down time.

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